

Remarks:

These remarks are responsive to the Office action dated October 30, 2008. Prior to entry of this response, claims 2-5, 7, 8, 12-24, 27-39, 44, and 46 were pending in the application, with claims 13-24, 27-39, and 43 having already been withdrawn from consideration. By way of this response, claims 2, 3, 4, 8, and 44 are amended. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

Allowable Subject Matter

Claims 4, 5, 7, 8, and 12 are indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter.

Claim 4 has been rewritten in independent form to include features of previously presented claims 2 and 3. As such, Applicants believe claim 4 to be allowable. Claims 5, 7, 8, and 12, which currently depend directly or indirectly from claim 4, are also believed to be allowable.

Rejections under 35 U.S.C. § 112

Claims 44 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that there is no clear antecedent basis for “the support portion” in the penultimate line of claim 44.

In response, Applicants herein amend claim 44 to recite “a support portion.” Claim 46 directly depends from and includes all the elements of claim 44. Thus, Applicants respectfully request the rejection of claims 44 and 46 under 35 U.S.C. 112 be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 2, 3, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application Publication No. 52-28517 (Sho).

With regard to claim 2, claim 2 has been amended to recite a massaging apparatus comprising “a massaging portion that is expandable and contractible by air intake and air exhaust; and an air supply and exhaust device.” One example of such a configuration is air supply and exhaust device 9 shown in Fig. 5 and described at Par. [0149]. Claim 2 has been further amended to include features of claim 8 such that the arm rest has a socket. Accordingly, claim 2 has been amended to recite a massaging apparatus “wherein the connecting portion has a plug through which the air is guided to the massaging portion; and wherein the armrest has a socket that is connected with the plug with the connecting portion of the forearm massager connected with the armrest, and the air is sent from the air supply and exhaust device through the plug.” An example of such a configuration includes plug 42 and socket 41 of armrest 5 shown in Figs. 3 and 4, and described at Par. [0140].

By connecting the forearm massager to the armrest, such a configuration has the advantage that the plug and the socket may be connected without another operation, so that air is supplied from the air supply and exhaust device to the massaging portion. In contrast, the cited reference Sho fails to teach or suggest all the claim limitations of amended claim 2. Lacking these features, the cited reference fails to achieve the potential benefits discussed above for the claimed configuration. Accordingly, Applicants believe amended claim 2 to be in condition for allowance, and respectfully submit that the rejection under 35 U.S.C. 103(a) based on Sho should be withdrawn.

With regard to claim 3, claim 3 has been amended to be an independent claim and recite the features of previously presented claim 2, as well as an additional feature of the massaging apparatus “wherein the support portion is configured to on an upper surface thereof support the forearm of the user with the forearm massager detached from the armrest.” Thus, the configuration recited in amended claim 3 has the potential advantage of not only massaging the forearm of the user when the forearm massager is attached to the armrest, but additionally the armrest supports the forearm of the user with the forearm massager detached from the armrest. In contrast, neither Sho nor Japanese Laid-Open Patent Application Publication No. 10-263029 (Noriyuki et al.) disclose or suggest the feature that the armrest supports the forearm of the user with the forearm massager detached from the armrest. Therefore, the cited reference fails to teach or suggest all the

claim limitations of amended claim 3. Lacking these features, the cited reference fails to achieve the potential benefits discussed above of the claimed configuration. Accordingly, Applicants believe amended claim 3 to be in condition for allowance, and respectfully submit that the rejection under 35 U.S.C. 103(a) based on Sho should be withdrawn.

With regard to claim 44, claim 44 has been amended to add the features of the forearm massaging portion being “expandable and contractible by air intake and air exhaust” and the connecting portion having “a plug through which the air is guided to the forearm massaging portion, the plug...connected with a socket of the armrest with the connecting portion connected with the armrest” wherein “the air is sent to the forearm massaging portion through the plug.” As discussed above with respect to claim 2, Applicants submit that Sho fails to disclose the features and advantages of the claimed configuration. Therefore, Applicants believe claim 44 to be allowable.

With regard to claim 46, claim 46 depends directly from and includes all the features and limitations of amended claim 44 as discussed above. For these reasons, Applicants believe claim 46 is also in condition for allowance.

Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Please charge any cost incurred in the filing of this response, along with any other costs, to Deposit Account No. 503397.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &
TUTTLE LLP

/Mark D. Alleman/

Mark D. Alleman
Registration No. 42,257
Customer No. 50488
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142